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**OFFICE OF PETITIONS
ON PETITION**

In re Application of
Frank Joseph Kalas
Application No. 10/075,594
Filed: February 15, 2002
Attorney Docket No. 1330.1085

This is a decision on the petition filed February 5, 2004 under 37 CFR 1.181 to withdraw the holding of abandonment for the above-identified application.¹

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned on June 5, 2002, for failure to timely submit a response to the Notice to File Missing Parts mailed April 4, 2002. A two (2) month period for reply was set and no extensions of time to file the response were believed to have been requested or granted. Accordingly, a Notice of Abandonment was mailed January 14, 2004.

Petitioner asserts that a response (signed oath/declaration, fourteen (14) sheets of drawings, assignment and recordation form cover sheet) were filed on May 15, 2002.

In support, petitioner has submitted, copies of the oath/declaration, fourteen (14) sheets of drawings, assignment and recordation form cover sheet as well as an itemized post card receipt, with a United States Patent & Trademark Office date stamped May 15, 2002.

Accordingly, the Notice of Abandonment mailed on January 14, 2004 is hereby withdrawn. No petition fee is due and none has been charged however the surcharge for late filing of the oath and declaration will be charged to deposit account no. 19-3935 as authorized in the Response to Notice to File Missing Parts filed May 15, 2002 and the instant petition.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹The petition is titled "Petition to Revive" but a withdrawal of the abandonment is sought, thus the petition is properly treated under 37 CFR 1.181.